

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 030863PCT	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/JP2005/002213	International filing date (<i>day/month/year</i>) 15.02.2005	Priority date (<i>day/month/year</i>) 18.02.2004
International Patent Classification (IPC) or national classification and IPC G11B7/24 (2006.01)		
Applicant PIONEER CORPORATION		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☒ the international application as originally filed/furnished
- ☐ the description:
- pages _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☐ the drawings:
- sheets _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims 3-5	YES
		Claims 1-2	NO
	Inventive step (IS)	Claims 3-5	YES
		Claims 1-2	NO
	Industrial applicability (IA)	Claims 1-5	YES
		Claims	NO
2.	Citations and explanations (Rule 70.7)		
	Document 1: JP 2004-039146 A (TDK Corp.), 05 February 2004		
	<p>Document 1 is cited in the international search report and in the written opinion that was drafted by the International Searching Authority.</p>		
	<p>In the written response, the applicant asserts that the reflection films in the invention disclosed in document 1 have different film thicknesses, and that therefore, the invention in question does not conform to the requirement that the "conduction of heat from the second recording layer to the reflection film when the recording laser beam is irradiated upon the second recording layer [be] approximately the same as the conduction of heat from the first recording layer to the semitransparent reflection film when the recording laser beam is irradiated upon the first recording layer."</p>		
	<p>However, it is impossible to ensure that the recording characteristics will be approximately the same by merely configuring so that the "conduction of heat is approximately the same" in cases when the amounts of heat released by the films other than the reflection films are</p>		

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not the same or in cases when the characteristics of the recording films themselves are different, etc. (this applies to the configurations of the inventions set forth in claims 1 to 5 wherein it is impossible to ensure that the recording characteristics are approximately the same).

Furthermore, the first recording layer is thinner than the second recording layer in the invention disclosed in document 1, as is indicated in paragraph [0032] of document 1. Such being the case, it is considered to be necessary to adjust the film thicknesses (and thus the heat conduction characteristics) of the reflection films so as to accommodate this difference in the film thicknesses of the recording layers if one wishes to configure so that the recording characteristics are approximately the same (the same should also be true of the inventions set forth in claims 1 to 5). Thus, it is meaningless to debate only the point that the reflection films have different film thicknesses without taking the abovementioned facts into consideration.

In addition, the film thickness of each reflection layer in the invention disclosed in document 1 is determined with consideration of the light transmission characteristics and the reflection characteristics thereof, factors which are entirely ignored when configuring the inventions set forth in claims 1 to 5.

Such being the case, if one were to eliminate the effects from the abovementioned features and then compare the inventions in question, it is thought that the "conduction of heat will be approximately the same" (i.e., that the "reflection films will have approximately the same film thicknesses) in the invention disclosed in

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document 1.

As a result, the invention disclosed in document 1 cannot be considered to be substantially different from the inventions set forth in claims 1 to 5 in the light of only the requirement that the conduction of heat be approximately the same; therefore, the abovementioned assertion is not applicable.